

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DAVID LEONARD STEPHENS,
ERIC ANTHONY STEPHENS and AARON JOHN
STEPHENS, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JUANITA LADON STEPHENS,

Respondent-Appellant,

and

BYRON GREEN and CHARLES PAISLEY,

Respondents.

UNPUBLISHED

January 25, 2000

No. 217139

Wayne Circuit Court

Family Division

LC No. 96-341298

Before: Saad, P.J., and McDonald and Gage, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from a family court order terminating her parental rights to the minor children. We affirm.

Respondent-appellant seeks reversal on the sole basis that the trial court “failed to articulate the actual findings of fact, conclusions of law and the statutory basis for the order”, contrary to MCR 5.974(G). Although the statutory grounds for termination were not explicitly stated on the record or in the court’s order, the trial court’s findings of fact and conclusions of law included the following:

1. “I think we have clear and convincing evidence that the . . . mother abandoned the children.” [Appendix B, 47.]

2. “I can see no other way that mother could have reconciled herself with her family other than to work on her treatment plan and she simply failed to do it.” [Appendix B, 47.]

3. “And with or without intent, it didn’t matter, they [parents] didn’t do what was required to give a stable environment for those children.” [Appendix C, 47-48.]

4. “I think that to attempt to send those children back with the mother or the father, particularly the mother, would be a -- cause substantial harm to them.” [Appendix B, 48.]

The first finding is a clear reference to subsection (3)(a)(ii), and that the fourth finding is a clear reference to subsection (3)(j). While findings (2) and (3), standing alone, seem less clear, viewed in context with the parties arguments, it seems clear that they were intended as a reference to subsections (c)(I) and (g), respectively. This becomes particularly apparent when considered in conjunction with the court’s statement, “So, *according to the statutes, by the Attorney General*, I’m going to accept that clear and convincing evidence has been displayed. . . .”

These findings of fact and conclusions of law when viewed in context with the parties’ closing arguments, make it clear that the court was relying on MCL 712A.19b(3)(a)(ii), (c)(i), (g) and (j); MSA 27.3178(598.19b)(3)(a)(ii), (c)(i), (g) and (j) as the statutory grounds for termination of parental rights. Accordingly, appellate relief is not warranted. See *Triple E Produce Corp v Mastronardi Produce Ltd*, 209 Mich App 165, 176; 530 NW2d 772 (1995); *In re Toler*, 193 Mich App 474, 476; 484 NW2d 672 (1992).

Affirmed.

/s/ Henry William Saad

/s/ Gary R. McDonald

/s/ Hilda R. Gage